



Substitute House Bill No. 7299

Public Act No. 17-31

AN ACT CONCERNING STRENGTHENING LAWS CONCERNING DOMESTIC VIOLENCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 53a-181d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) For the purposes of this section, "course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly or through a third party, by any action, method, device or means, including, but not limited to, electronic or social media, (1) follows, lies in wait for, monitors, observes, surveils, threatens, harasses, communicates with or sends unwanted gifts to, a person, or (2) interferes with a person's property, and "emotional distress" means significant mental or psychological suffering or distress that may or may not require medical or other professional treatment or counseling.

(b) A person is guilty of stalking in the second degree when:

(1) Such person knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for such person's physical safety or the physical safety of a third person, or (B) suffer emotional distress; or

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(2) Such person intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person that would cause a reasonable person to fear that such person's employment, business or career is threatened, where (A) such conduct consists of the actor telephoning to, appearing at or initiating communication or contact at such other person's place of employment or business, provided the actor was previously and clearly informed to cease such conduct, and (B) such conduct does not consist of constitutionally protected activity.

(c) Stalking in the second degree is a class A misdemeanor.

Sec. 2. Section 53a-181e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) A person is guilty of stalking in the third degree when [he] such person recklessly causes another person to reasonably (1) fear for his or her physical safety, or (2) suffer emotional distress, as defined in section 53a-181d, as amended by this act, by wilfully and repeatedly following or lying in wait for such other person.

(b) Stalking in the third degree is a class B misdemeanor.

Sec. 3. Section 53a-64aa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) A person is guilty of strangulation or suffocation in the first degree when such person commits strangulation or suffocation in the second degree as provided in section 53a-64bb, as amended by this act, and (1) in the commission of such offense, such person (A) uses or attempts to use a dangerous instrument, or (B) causes serious physical injury to such other person, or (2) such person has previously been convicted of a violation of this section or section 53a-64bb, as amended by this act.

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(b) No person shall be found guilty of strangulation or suffocation in the first degree and unlawful restraint or assault upon the same incident, but such person may be charged and prosecuted for all three offenses upon the same information. For the purposes of this section, "unlawful restraint" means a violation of section 53a-95 or 53a-96, and "assault" means a violation of section 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-61 or 53a-61a.

(c) Strangulation or suffocation in the first degree is a class C felony.

Sec. 4. Section 53a-64bb of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) A person is guilty of strangulation or suffocation in the second degree when such person restrains another person by the neck or throat or obstructs such other person's nose or mouth with the intent to impede the ability of such other person to breathe or restrict blood circulation of such other person and such person impedes the ability of such other person to breathe or restricts blood circulation of such other person.

(b) No person shall be found guilty of strangulation or suffocation in the second degree and unlawful restraint or assault upon the same incident, but such person may be charged and prosecuted for all three offenses upon the same information. For the purposes of this section, "unlawful restraint" means a violation of section 53a-95 or 53a-96, and "assault" means a violation of section 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-61 or 53a-61a.

(c) Strangulation or suffocation in the second degree is a class D felony.

Sec. 5. Section 53a-64cc of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

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(a) A person is guilty of strangulation or suffocation in the third degree when such person recklessly restrains another person by the neck or throat or obstructs such other person's nose or mouth and impedes the ability of such other person to breathe or restricts blood circulation of such other person.

(b) No person shall be found guilty of strangulation or suffocation in the third degree and unlawful restraint or assault upon the same incident, but such person may be charged and prosecuted for all three offenses upon the same information. For the purposes of this section, "unlawful restraint" means a violation of section 53a-95 or 53a-96, and "assault" means a violation of section 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-61 or 53a-61a.

(c) Strangulation or suffocation in the third degree is a class A misdemeanor.

Sec. 6. Section 53a-222 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) A person is guilty of violation of conditions of release in the first degree when, while charged with the commission of a felony, such person is released pursuant to subsection (b) of section 54-63c, subsection (c) of section 54-63d or subsection (c) of section 54-64a, and intentionally violates one or more of the imposed conditions of release.

(b) Violation of conditions of release in the first degree is a class D felony, except that any violation of conditions of release that involve (1) imposing any restraint upon the person or liberty of a person in violation of the conditions of release, or (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking a person in violation of the conditions of release is a class C felony.

Sec. 7. Section 53a-222a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

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(a) A person is guilty of violation of conditions of release in the second degree when, while charged with the commission of a misdemeanor or motor vehicle violation for which a sentence to a term of imprisonment may be imposed, such person is released pursuant to subsection (b) of section 54-63c, subsection (c) of section 54-63d or subsection (c) of section 54-64a and intentionally violates one or more of the imposed conditions of release.

(b) Violation of conditions of release in the second degree is a class A misdemeanor, except that any violation of conditions of release that involve (1) imposing any restraint upon the person or liberty of a person in violation of the conditions of release, or (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking a person in violation of the conditions of release is a class D felony.

Sec. 8. Section 54-91a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) No defendant convicted of a crime, other than a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, or murder with special circumstances under the provisions of section 53a-54b in effect on or after April 25, 2012, the punishment for which may include imprisonment for more than one year, may be sentenced, or the defendant's case otherwise disposed of, until a written report of investigation by a probation officer has been presented to and considered by the court, if the defendant is so convicted for the first time in this state or upon any conviction of a felony involving family violence pursuant to section 46b-38a for which the punishment may include imprisonment; but any court may, in its discretion, order a presentence investigation for a defendant convicted of any crime or offense other than a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, or murder with special circumstances under the provisions of section 53a-54b in effect on or after April 25, 2012.

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(b) A defendant who is convicted of a crime and is not eligible for sentence review pursuant to section 51-195 may, with the consent of the sentencing judge and the prosecuting official, waive the presentence investigation, except that the presentence investigation may not be waived when the defendant is convicted of a felony involving family violence pursuant to section 46b-38a and the punishment for which may include imprisonment.

(c) Whenever an investigation is required, the probation officer shall promptly inquire into the circumstances of the offense, the attitude of the complainant or victim, or of the immediate family where possible in cases of homicide, and the criminal record, social history and present condition of the defendant. Such investigation shall include an inquiry into any damages suffered by the victim, including medical expenses, loss of earnings and property loss. All local and state police agencies shall furnish to the probation officer such criminal records as the probation officer may request. When in the opinion of the court or the investigating authority it is desirable, such investigation shall include a physical and mental examination of the defendant. If the defendant is committed to any institution, the investigating agency shall send the reports of such investigation to the institution at the time of commitment.

(d) Any information contained in the files or report of an investigation pursuant to this section shall be available to the Court Support Services Division for the purpose of performing the duties contained in section 54-63d and to the Department of Mental Health and Addiction Services for purposes of diagnosis and treatment.